

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

DARIUS LEE ANDERSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Nos.: 3:10-CR-43-KAC-JEM  
3:22-CV-247-KAC-JEM

**ORDER TRANSFERRING MOTION**

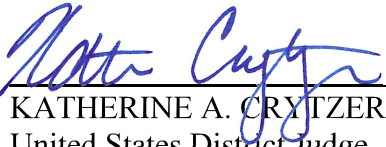
On July 18, 2022, Petitioner filed a “Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence” [Doc. 173]. Petitioner also attached a “Motion Under 28 U.S.C. § 2244 for Order Authorizing District Court to Consider Second or Successive Application for Relief Under 28 U.S.C. §§ 2254 or 2255” [Doc. 173-1 at 13-16]. Petitioner filed his first “Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence” on May 18, 2015 [Doc. 147], which the Court denied on May 30, 2018 [Docs. 166; 167]. In its May 30, 2018 Order, the Court expressly concluded that “all of the claims presented in the Motion [Doc. 147] lack merit” and “Petitioner is not entitled to relief pursuant to 28 U.S.C. § 2255” [Doc. 166 at 2].

In accordance with the Antiterrorism and Effective Death Penalty Act of 1996, Petitioner cannot file “[a] second or successive” Section 2255 motion in this district court until he has obtained an order from the United States Court of Appeals for the Sixth Circuit authorizing this district court to consider the petition. *See* 28 U.S.C. §§ 2255(h) (referencing 28 U.S.C. § 2244), 2244(b)(3); Rule 9 of the Rules Governing Section 2255 Proceedings in the United States District Courts. This Court has not received an order from the Sixth Circuit authorizing it to consider the

pending motion. And Petitioner's attached "Motion Under 28 U.S.C. § 2244" indicates that he is familiar with this procedural requirement but filed in the wrong court [*See* Doc. 173-1 at 13-16].

Accordingly, the Court **DIRECTS** the Clerk of Court to transfer Petitioner's motion to the United States Court of Appeals for the Sixth Circuit under 28 U.S.C. § 1631. *See In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997) (per curiam).

IT IS SO ORDERED.

  
KATHERINE A. CRYTZER  
United States District Judge